D.B. CIVIL SPECIAL APPEAL NO.81/2007
Ramavtar Sharma Vs. The New India Assurance company & Ors.

Date : 23.7.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. B.K. Vyas for the appellant.

Having heard learned counsel for the appellant we do not find any merit in this appeal. The appellant is Development Officer under the New India Assurance company Ltd. It is alleged that as a result of accident, the appellant remained out of action for about 4 months. As a result of suffering multiple fractures on leg, he had to undergo surgery which left him with permanent disability of leg which was assessed as 22%.

The Motor Accident Claims Tribunal awarded a sum of Rs.6,50,000/- by way of compensation taking into account, the estimated future loss of earning capacity due to permanent disability which the learned Single Judge did not agree considering that the nature of duties performed by the appellant, which is primarily of

the ministerial and clerical nature and does not involve physical labour, reduced the award of compensation from Rs.6,50,000/- to Rs.3,00,000/-. The estimated annual income of the appellant was about Rs.1,33,000/-.

We are in agreement with the learned Single Judge that the weakening of his leg does not affect the earning capacity of a Development Officer of an insurance company, who does not have to exert physically for the purpose of convincing his customers to earn incentive bonus. Moreover, visit to customers which is otherwise by motor vehicle is still going through motor vehicle only.

In these circumstances, the judgment of learned Single Judge in reducing award does not call for interference.

The appeal is, therefore, dismissed.

[MAHESH CHANDRA SHARMA], J. [RAJESH BALIA], J.

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